



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 21-08-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1907 of 2025**

1. LAKSHMI

W/o. Panchamoorthy, No.103, Kaman  
Koil Street, Olaiyur, Andimadam Taluk,  
Ariyalur District.

2. Barathi

D/o. Panchamoorthy, No.103, Kaman  
Koil Street, Olaiyur, Andimadam Taluk,  
Ariyalur District.

3. Minor. Banumathi

D/o. Panchamoorthy, No.103, Kaman  
Koil Street, Olaiyur, Andimadam Taluk,  
Ariyalur District. (Minor rep. by  
Mother next friend 1st petitioner  
Lakshmi)

Appellant(s)

Vs

1. VINAYAGAM

S/o. Jayabalan, No.122, Palla Theru  
Pandhal Via, Soraiyur, Vellur.



2.Ravi

S/o. Muni Rathanam, No.12A, Perumal  
Koil Street, Kalambur Post, Polur  
Taluk, Thiruvannamalai District.

3.The New India Assurance Co. Ltd.  
Motor TP HUB, Mochi Complex,  
No.179, Jawaharlal Mochi Complex,  
No.179, Jawahar Nehru Salai,  
Pondicherry.

Respondent(s)

**CMA No. 1907 of 2025**

**PRAYER**

To allow this appeal by enhancing the award passed by the Tribunal  
(Subordinate Judge, Jayankondam) in MCOP.No.13/2022, dated 24.03.2025.

**CMA No. 1907 of 2025**

For Appellant(s): Mr. S. Udhayakumar

For Respondent(s): Mr.K.Vinod For R3  
Mr.S.Dhakshnamoorthy For R2

**ORDER**

This Civil Miscellaneous Appeal has been filed to allow this appeal by  
enhancing the award passed by the Tribunal (Subordinate Judge, Jayankondam)  
in MCOP.No.13/2022, dated 24.03.2025.



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2. On 25.12.2021, at about 07.00 pm. the deceased was riding his motorcycle bearing registration No. TN 49 P 4115 from Thennur to Olaiyur when he riding near to Senthil weigh bridge, bus bearing registration No. TN 25 AZ 9699 driven by its driver in a rash and negligent manner dashed against deceased Panchamurthy and sustained grievous injuries. Thereafter, while on the way to the hospital he died.

3. The learned counsel for the appellants/claimants submit that the deceased was working as mason but the tribunal has fixed only Rs. 8,500/- as notional income which is very meagre and also it awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondents submit that the claimants has not produced any income proof. Besides, on the date of the accident three persons were travelled in the motorcycle and the driver of the motorcycle did not possessed valid driving licence. Hence, the tribunal rightly fixed 30% towards contributory negligence which needs no interference.

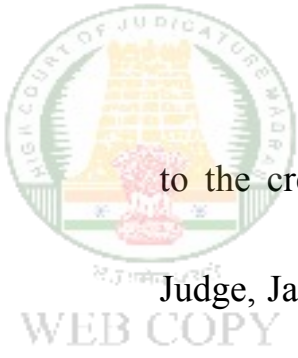


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5. Considering the cost of living at the time of the accident this Court is inclined to fix Rs.17,000/- towards notional income. Accordingly, the claimants are entitled to Rs. 22,10,000/-  $(17,000 + 4250 \times 12 \times 13 - 1/3)$  under the head of loss of dependency. Further, this Court is inclined to reduce the contributory negligence fixed by the tribunal from 30% to 20%.

| S.No. | Heads                     | Compensation awarded by the tribunal. | Compensation awarded by this Court |
|-------|---------------------------|---------------------------------------|------------------------------------|
| 1.    | Loss of income/dependence | Rs.12,48,000/-                        | Rs. 22,10,000/-                    |
| 2.    | Loss of estate            | Rs.16,500/-                           | Rs.16,500/-                        |
| 3.    | Loss of consortium        | Rs.1,32,000/-                         | Rs.1,32,000/-                      |
| 4.    | Funeral expenses          | Rs.16500/-                            | Rs.16,500/-                        |
| 5.    | Transportation charges    | Rs.10,000/-                           | Rs.10,000/-                        |
|       | Total                     | Rs.15,82,000/-                        | Rs. 23,85,000/-                    |

6. After deducting 20% toward contributory negligence, the claimants are entitled to Rs. 19,08,000/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. 19,08,000/-. The respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation,



to the credit of MCOP.No.13/2022 on the file of the Tribunal (Subordinate Judge, Jayankondam), within a period eight weeks from the date of receipt of a copy of this judgement. Appellants are entitled to share the compensation equally. The share of the minor third appellant shall be deposited in the nationalized bank till she attaining majority and she is permitted to withdraw the interest. On such deposit, the appellant/claimants are permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

**21-08-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Tribunal (Subordinate Judge, Jayankondam).
2. The Section Officer, V.R Section, High court, Madras.



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**T.V.THAMILSELVI J.**  
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